

SAMUEL T. POOLE

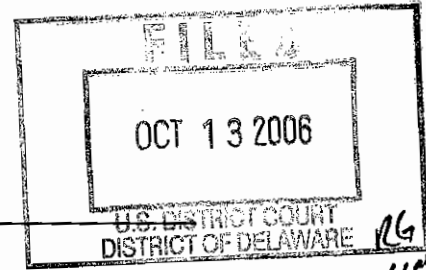
CIVIL ACTION NO. 99-635

V.

STAN TAYLOR AND

RAPHEL WILLIAM

JUDGE SUE L. ROBINSON

DECLARATORY JUDGMENT

F.R.CIV.P. RULE 57 DECLARATORY JUDGMENT., Decree upon a hypothetical STATE OF FACTS! ASHWANDER V.

Tennessee valley authority, 1936. 56 S.Ct. 466, 473, 297 U.S. 288, 80, 1648 useful purpose, grant instead of a declaratory of right Hasselbring V. Koepke, 1933. 245 N.W. 869, 263 Mich 466 93 A.L.R. 1170; to where the court may order speedy hearing of an action for a declaratory judgment and advance it on the calendar.

1. Qualified Immunity

Material facts—Show the injury to my eye and partial discovery show., overcrowding during the Gov. visit that the defendants was fully aware of the maintenance problems Johnson V. Jones, 515 U.S. 304, 308, (1995). the defendants trying to use this as a shield this will be the second shield they would of tried to cover up what they are doing Tellier V. Fields, 280 F.3d 69 (2nd cir. 2001) but also see Thomas V. Roach, 165.3rd 137 (2nd cir. 1999)., The defendants do the hiring and the of there employees the missing part of the discovery goes to the warden Raphel William and Stan Taylor Dir. of prison., Incident report and the mail room and 6 counts a day shows they had full knowledge of everything thats going on it that they have a blind eye to it see Harlow V. Fitzgerald, 102 S.Ct. 2727 (1982) I will be asking that this court to dismiss the defendants claims with in this suit.

2. Equal protection, abuse of the processequal housing.

Abuse of the process., Placing over 300 hundred of pre-trial detainees on the floor for a long period of time like a pet this went on for at lease 180 days., public Drug Co. V. Breyer ice cream Co., 347 PA. 346, 32 A.2d 413, 415., To where a pre-trial inmate having all of his rights taken away from equal housing well as treatment while in that jail and sentence inmates being place in two men cells on the new

side to where all his rights have been taken away clearly shows abuse of Pre-trial detainees In re.king,3. CAL. Rpt.15,474 P.2d 983 Enhanced under 403 U.S.931 non resident but under Hill V.Marshall,962 F.2d 1209 (6th cir.1992) and under SMITH V.Wade,461 U.S.30,75 Led 2d 632,1035, et 1625,1983 and under Lec V. city of L.A.,250 f3d.668 (9th cir.2001) this has been going on for a while before I got there and continue on af-ter I was gone at lease 5 years before and 3 years after I was ship out of there.

3. immune and liability

Defendants being immune from liability,U.S. Supreme court clearly states the defendants to be held liable for there actions inside this suit Proucier V. Ravarette,434 U.S. 555(1978) aprison official can be made to pay monetary damages also in good faith as well in procurrer cases on pages 562-566,and the fact that I was still in prison.

Quoting Bell,441 U.S. at 538,546., that the defendants to be held liable for the over crowding and the injur-y to my eye to where I hope this court will not play a blind eye to the defendants actions for conspirin-g to violate another person's constitutional rights §1983.Under Rowe V. City of fort lauderdale,279 F.2d 1271 (11th cir.2002).But the defendants failure to act Smith V.Ross,482 F.2d 33,36 (6th cir.1978) Estelle V.Gamble,429 U.S.97,1061 97 S.ct.285 (1976) and see Alexander V.perrill,916 F2d. 1392(9thcir.1990) to show how liable greason V.Kemp,891 F.2d at 839-40.

4.

OVERCROWDING ABUSE BY THE DEFENDANTS BY PLACING OVER 300 INMATES ON THE FLOOR FOR A LONG PEIRIOD OF TIME .

A. On March 24, 1999 being brought to into Gander hill the only way to sleep is with 19 to 20 other inmates in the holding cell on the floror because housing unit and booking was full from the overcrowding thats been going on for years before I have gotten there

The prison give us all a mattress then we was to sleep on the floor nobody was aware of what went on for a period of 72 hours from there we went to the fitness center on the second floor with approx.50 to 60 other inmates at a time when we got to eat it was on the floor this went on for 2 month I am requesting for punitive damages and COMPENSATORY DAMAGES FOR THERE ACTING OF THE WARDEN AND Stan taylor for puting me on the floor for a long time and having a blind eye to what they and there employees was doing to the inmates inside of that jail.Lareau V. Manson,651 F2d 96,107-09(2nd cir.1994)Young V. Keolane,809 F.SUPP.1185-1194 -09 (M.D.PA.1992)ALbo V.County of Onondoga N.Y.,627 F.SUPP.1280,1287 (N.D.NY.1996).

the relief with in this petition is very well a constitutional Violation see, Terrell V. Brewer, 935 F2d 1015, 1018 (9th cir. 1999) theys cases clearly show the court and a jury on just how bad they have been getting away with this the first time you sheilded yourself from this suit was (Affirmative defense) that was a false claim by you and when i respond to your petition with , Douthitt V. Jones, 641, F2d 346 (Sec. 1) (5th cir. 1981). Now your try to ask the court you are immune the U.S. Supreme court clearly states . Proctor V. Ravarette, 434 U.S. 555 (1978) . and look at . Procurrer cases on pages 562-566.,

RELIEF

COMPENTARY DAMAGES, Mental anguish placeing me on the floor for a long time and with Punitive damages, Policie of proper houseing by deliberately over populate the prison beyoud the max. count this has been going on for year because they have been getting away with it _____ \$

B. 8th AMENDMENT VIOLATIONS AND BEING PLACE ON THE FLOOR

When i was move a month later i was then tranfer to 1-A-3 I thought things will change but then i was place back on the floor to where I slept in my cloths at night gotten so cold to where my feet was num at time I was awaken by pins in my feet it was so cold the only way you can go to sleep is being totaly exhausted Farmer V. Brennan, 114 S. CT. 1970, 1977 (1994); Wilson V. Seiter, 501 U.S. 294, 298-300, 111 S. Ct. 2321, 2324 (1991). And see Gordon V. Faber, 973 F2d 686, 687-88 all this is just base on the freezing temp- ures that the defendants place my in while I was in there custody., Henderson V. DeRobertis, 940 F.2d 1055 (7th Cir. 1991) this all while i was on the floor in this cell LeReau V. Manson, 651 F.2d 96, 107 -09 (2d Cir. 1981)., the use of the floor is forbidden for any period of time .

After I was transfer to 2-M-pod place back on the floor this continue while I was in pre-trial but on July 6, 1999 I suffer a cut over my right eye from the clog sink that been like that sense I was on that block Harris V. Agelina 31 F3d 331, 335 (5th cir. 1991) I was place all over the old side on the floor., But after I was injured i was place on the floor in 106 degree weather out side every thing in the cell was sweating even the floor . e cut was all the way to my skull with over approx. 15 stichs Williams V. Griffin, 952 F2d 820-28 this came from the de-

the cut was all the way to my skull with over approx. 15 stitches Williams V. Griffin, 952 F.2d 820-28 this came from the defendants not acting until this happens Helling V. McKinney, ___ U.S. ___ 113 S.Ct. 2475, 2481 (1993). The conditions were totally unsafe to enter before I got there Newman V. Alabama, 503 F.2d 1320-1331 (5th Cir. 1974) see Williams V. Edwards, 547 F.2d 1206, 1217-18 (5th Cir. 1977) Collin V. Romer, 962 F.2d 1507, 1513-14 (10th Cir. 1992) Scott V. Angelina, 771 F.Supp. 1064, 1067 (D.V. Nev. 1991) Aff'd 980 F.2d 738 (9th Cir. 1992). It is the after care that took place and the treatment afterward.

Placing me in an infected area that was not completely clean with everything sweating at the time there were two other inmates in the cell with me at the time made it even hotter. They could have put me in the hospital for a couple of days at least until the wound closed or healed up.

Starting from 1-3-A pod Wilson, 501 U.S. 303 treatment as inhuman insects crawling on me and the cold Rhodes V. Chapman, 452 U.S. 337, 349, 1991, then placed on the floor on 2-M pod while bleeding and in the heat and being placed on the floor for over 180 days because the defendants had a blind eye to the problems Helling V. McKinney, 509 U.S. 25, 31 (1993) and see Whitley V. Albers, 475 U.S. 312, 320-321 (1981).

The defendants' failure to act and to solve the problems Byrd V. Brishke et al, 466 F.2d 6 (7th Cir. 1972), Ruble V. King, 911 F.Supp. 1544 (N.D. Ga. 1995) Attica V. Rockefeller 453 F.2d (2nd Cir. 1971) Wiltsie V. Ga. Dept. of Corrections 406 F.2d 515 (9th Cir. 1968), there were regulations and Policies clearly states proper housing and all medical problems should be met by the defendants running the prison Bell V. Wolfish, 441 U.S. 520 (1979) see also Longley V. Coughlin, 888 F.2d 252, 254 (2nd Cir. 1989) officials must provide reasonable necessary medical care...which would be available to the plaintiff if he was not incarcerated in the prison Hearn V. Morris, 526 F.Supp. 267 (E.D. Cal. 1981), they are totally responsible for their employees see Jackson V. U.S. 413 F.Supp. (D.C. Ohio 1976).

The statement of the defendants' claims to Qualified Immunity should be dismissed without any prejudice to the defendants in this suit Harlow V. Fitzgerald, 102 S.Ct. 2727 (1982) this has been going on as long as approx. 5 years and they have been getting away with this (Massive overcrowding treating people like animals placing them in unclean areas where bugs can crawl all over them while they sleep not fully providing the full treatment if they were in that jail of Gander Hill and the defendant care.

Negligence to all the maintenance problem that the prison was having the matter even worse in the evidence that was sent to me it shows that was never fixed months later Great Plain Trust Co. V. Morgan Stanley Dean Witter and Co., 313 F.3d 305 a person could be hurt before the repair will take place this was the type of response to the sentence inmates in that prison system such as I was in the corner cell they gave me two blankets instead of one a lot cleaner to where I had to worry about anything crawling on me.

R E L I E F 8 t h a m e n d m e n t b e i n g p l a c e o n t h
e f l o o r i n f r e e z i n g c o n d . , e x t r e m e h e a t ,
a n d b l e e d i n g .

Clearly establish law constitutional and punishment of the 8th amendment is in this case that was clearly stated that you can not justify given a mattress and a blaket and sheet then try and trying to justify the harsh condion that you put pre trial detainees throw.

But if the heat not on it does not matter being cold tillyour feet goes num and then being awoken with pins in your feet this went on for aprox. amounth with no repairs being done., on the new side they make sure they get two blakets and they make sure the heat is on the corner cells keep the heat on .

The defendants have total control over the air ,heat and air cond. if this does not work there is low air in the building pump into the cells and being place on the floor in 106 degrees with a cut to the skull bleeding for over a week and the lock down was even worser then what it was kept in for 24 hours and leading up to the injuries they kept us in 72 hours to where the white stirts had to let us out because of the massive over time this might be consider as a fire hazzar -d but .

I asking for compentorey damages for mental anguish,and the phical abuse cause by the defendants andthe pain and suffering with the punitive damages so this type of rreatment will not happen to any body else again all old building need maintance and this can not be just put to the side until a later date I hope that this court nuderstand my points.

COMPENATORY DAMAGES _____\$

PUNITIVE DAMAGES _____\$

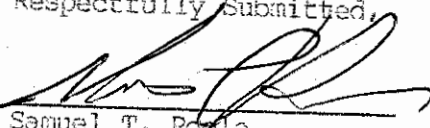
Samuel T,poole
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AFFIDAVIT AND PROOF OF SERVICE

NOW COMES, Samuel T. Poole BNS 599 AND AFIRMS THAT HE IS THE LITIGANT IN THE AFORE CAPTIONED AND ATTACHED MATTER, THAT THE WITHIN AVERMENTS AND FACTS IN SUPPORT THEREFORE ARE TRUE AND CORRECT TO THE BEST OF HIS PERSONAL EXPERIENCE, RECALL, KNOWLEDGE AND BELIEF, UNDER PENALTY FOR PERJURY. HE FURTHER AFFIRMS AND AVERS THAT HE HAS SERVED COPIES OF THE FOREGOING AND ATTACHED DOCUMENTS BY FIRST-CLASS MAIL TO THE PARTIES LISTED BELOW, BY HAVING PLACED THEM IN THE HANDS OF PRISON AUTHORITIES FOR MAILING, AS RULED PROPERLY AND TIMELY "FILED" BY AND IN HOUSTON vs LACK, 108 s. ct 2379, at 2383 (1988).

I CERTIFY THAT THIS DOCUMENT WAS GIVEN TO PRISON OFFICIALS, FOR THE FORWARDING TO THE SAID COURT. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. 28 U.S.C. SEC. 1746.

Respectfully Submitted,


Samuel T. Poole

Certified

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10-8-06

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PA REP/1 OF 6-07/08/09/10/11/12



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